

PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO

August 12, 2008

Meeting

Chairman Mike McFarland called this meeting of the Tipp City Planning Board to order at 7:32 p.m.

Roll Call

Roll call showed the following Board members present: Mike McFarland, John Berbach, Bryan Blake, and Mark Springer.

Mr. McFarland **moved to excuse Mr. Horrocks' absence due to personal reasons.** Mr. Berbach seconded the motion. Motion passed 4-0.

Others in attendance: City Manager Jon Crusey, Assistant City Manager Bradley Vath, City Planner/Zoning Administrator Matt Spring, City Engineer Scott Vagedes, Council Members Dee Gillis, Vickie Blakey, Bill Beagle, and Board Secretary Marilyn Fennell. Those signing the guest register include Stephanie Gerlach, John Mangen(?), Larry Jones, Jeff Puthoff, Gene Wertz, Marge Wertz, James Oriti, Tiffany Patterson, Joe Bagi, Bill Simon, Daniel Wald, and Raymond Walker. Nancy Bowman of the *Dayton Daily News* was present.

Mr. McFarland announced that Item D on the agenda had been corrected to state ± 138.906 acres rather than 13.8 acres.

Approval of Minutes
July 8, 2008 Meeting

Mr. McFarland **moved to approve the minutes of the July 8, 2008 meeting as presented.** Mr. Springer seconded the motion. Motion passed. 4-0.

Items not on the Agenda

There were no comments on items not on the agenda.

NEW BUSINESS
Deadline Dates

Chairman McFarland announced that the next regularly scheduled Planning Board meeting would be held Tuesday, September 9, 2008. Preliminary Plans, Final Plats and Site Plans must be submitted by 5:00 p.m. on August 18, 2008.

Mr. Vath swore in those persons wishing to speak during any of the public hearings on the agenda this evening.

Public Hearing:
Modification to Code
§154.061(A)-setbacks
on corner lots

Mr. McFarland **moved to open the public hearing.** Mr. Berbach seconded the motion. Motion passed 4-0.

Mr. Spring said recent Zoning Compliance Permit Applications have brought forth an existing discrepancy in the Zoning Code regarding rear yard setback requirements for corner lots. There had been an amendment in 1994 which created this discrepancy. He said the existing Code specified that the rear yard of a corner lot was the yard opposite the lot line with the least amount of street frontage. He gave the definition of Rear Lot Line and Front Lot Line. Based on those definitions a rear lot line on a corner lot is therefore the lot line which is parallel to and most distant from the street right-of-way line with the least amount of street frontage. This is found in Code §154.004 (definitions).

Public Hearing-
Modifications to the
existing code regarding
surfacing of residential
off-street parking
areas,
S154.074(l)(3)(b)

In Code §154.061(A) it states "A rear yard shall be provided along at least 1 line of a corner lot, without preference." This is counter to that section. In order to rectify the contradiction in Code Mr. Spring recommended that the words, "without preference" be deleted from §154.061(A) and it be recommended to City Council for approval.

Mr. Berbach said if this cleared up issues for staff he would be in favor of this modification. Mr. Blake **moved to close the public hearing**. Mr. Berbach seconded the motion. Motion passed 4-0.

Mr. Springer asked if this affected any property right now. Mr. Spring said not in a specific way. In the last year there have been requests for zoning permits for accessory structures in rear yards and because of this section, there could have been discrepancies. Mr. Spring's recommendation is the way he has interpreted that section of zoning code. Mr. Blake **moved to recommend a positive recommendation for the modification of Code §154.061(A) to clarify the setback rule for corner lots**. Mr. Berbach seconded the motion. Motion passed 4-0.

Mr. McFarland **moved to open the public hearing for modifications to Code S154.074(l)(3)(b) regarding the surfacing of residential off-street parking areas**. Mr. Berbach seconded the motion. Motion carried 4-0.

Mr. Spring explained recent Zoning Compliance Application requests and associated enforcement issues have brought forth an existing anomaly in the Zoning Code regarding the requirements for the surfacing of residential off-street parking area expansions. Code §154.074(l)(3)(b) requires all off-street parking areas to be surfaced with a hard surface of bituminous (asphalt) or Portland cement concrete with two exceptions:

- 1) Temporary off-street parking areas (such as the temporary parking for Homearama.
- 2) Expansions of residential driveways

Staff notes that it has been the standard practice of the City to require that all residential off-street parking areas (driveways) be hard surfaced (asphalt or concrete). This includes not only new driveways (for new homes/subdivisions), but all expansions as well. This practice (in existence for many years) has served to provide Tipp City's residential neighborhoods with aesthetically pleasing character, while reducing and/or eliminating gravel residue in the right-of-way (causing increased wear and tear) and associated gravel dust from impacting nearby properties.

The proposed draft Code revision will require that, in addition to all new driveways, that all expansions of residential off-street parking areas be hard surfaced with asphalt or concrete. This proposed revision would not affect the provision for Temporary Parking areas approved by Planning Board. The revision would also not affect any previously existing gravel off-street parking areas. These areas would be allowed to be maintained in perpetuity under the provisions of Code §154.136 – Restrictions of nonconforming lots, structures, and uses.

Staff recommends Planning Board forward a positive recommendation to

City Council regarding a modification to §154.074(l)(3)(b) as delineated in the attached draft ordinance.

Mr. Springer asked if brick pavers were permitted. Mr. Spring says the code denotes a hard surface must be used and bricks would be permitted. Mr. Berbach asked if there are any current parking lots that would be impacted by this measure. Mr. Spring said there are none under consideration but we do receive numerous requests for driveway expansions every year. Setback considerations require a zoning permit for those expansions. Mr. Springer asked if someone had a gravel driveway and they wished to expand it, it would then have to be paved. Mr. Spring said that was correct. Current gravel drives are grandfathered in and can be maintained as long as they are not expanded.

Mr. Berbach **moved to close the public hearing.** Mr. Springer seconded the motion. Motion passed 4-0.

Mr. Berbach **moved to forward a positive recommendation to City Council for the modification to Code §154.074(l)(3)(b) regarding the surfacing of residential off-street parking areas.** Mr. Springer seconded the motion. Motion passed 4-0.

Circle K, 3519 S. CR
25A, IL 3245, HS
Zoning-Site Plan
Review

Mr. Spring said the Circle K has applied for a site plan review and approval to place a 5.5' x 7.75' shed at the rear of the convenience store located at 3519 S CR 25A. The shed is of resin construction and will be 6'-11" tall. It is to be placed behind the existing dumpster enclosure. It will be 140' from the northern property line, 123' from the southern property line, 52' from the eastern property line and 5' from the rear wall of the store and 3' from the rear of the dumpster enclosure. Mr. Spring said City Engineer Vagedes has indicated additional storm water detention is not required due to a pre-existing on-site detention basin and it presents a minimal increase in the impermeable area of the existing site.

Staff recommends approval of the site plan with the following conditions:

1. The applicant must obtain an approved Zoning Compliance Permit prior to the placement or construction of the shed.
2. The applicant must obtain authorization/approval from the Planning Board for any proposed modifications to the approved site plan **prior** to the construction/undertaking of any such proposed modifications.

There were no further comments or questions. Mr. McFarland **moved to approve the site plan for a shed for 3519 S. CR 25A, Circle K, with the two conditions listed in the staff report.** Mr. Blake seconded the motion. Motion passed 4-0.

Daniel Wald, Walker
Companies, Lester
South Property, S CR
25A, Pt. IL 2348- Pre-
Application Conference

Mr. Spring gave the explanation of the Pre-Application Conference per Code §154.056(D)(1) as listed in his staff report. The property under consideration is known as the Leshner South property, located on the west side of CR 25A, immediately south of the Meijer Distribution Center. The tract is ± 138.906 acres and is zoned I-1/POI (Light Industrial/Planned Office Industrial). It is currently farmed agriculturally with no structures on the parcel.

The applicant is the Walker Companies who provides location consulting, property marketing, facility design, and construction management for their clients. They are currently working with the ownership of the Leshner South property to acquire and then develop the property into the "Tipp City Logistics Center". This proposed "logistics center" would be marketed by the Walker Companies as an ideal location to provide centralized freight handling and logistics for their potential clients.

Mr. Spring said a proposed conceptual layout was attached to the report. It would contain up to five (5) structures with up to 2.2 million square feet of industrial uses under roof. The conceptual layout indicates a "regional" storm water detention area at the south end of the site utilizing 2 retention ponds. The layout also indicates the required east-west roadway as indicated on the current Tipp City Thoroughfare Plan. Ordinance 40-06 indicates that this roadway shall be a "Minor Collector" of 60' right-of-way width.

Staff strongly recommends that the earthen mound/berm and trees as installed on the Meijer Distribution property be continued for the length of this frontage. The buffer has proved effective in separating the logistics traffic from CR 25A and the motoring public.

This proposed site will require the subdivision approval process as denoted in Code §154.056 and Chapter 155, which will subdivide the tract into the required inlots, dedicate right-of-way, provide a landscaping plan for the subdivision, provide the required public hearings and bonding of public improvements, etc. Construction of a client-specific building(s) will also require Planning Board site plan approval on a case-by-case basis.

Mr. Spring read thru the current process as delineated in Code §154.056(D) in his staff report. The applicant has indicated that the timeframes associated with the current subdivision and site plan approval process significantly hinders the Walker Companies ability to attract and retain clients for the property. Walker Companies is seeking maximum of 60 days to obtain Final Plan approval from the date the client is retained and a Final Plan and site plan is submitted for approval.

Mr. Spring continued, in order to meet the requested 60-day timeline for approval of the Final Plan, it will be necessary to have the Pre-application Conference and Preliminary Plan already approved by the Planning Board and City Council, thus allowing the applicant to move directly to the Final Plan and site plan requirements of Code.

The Pre-application Conference and the Preliminary Plan could be approved prior to any specific client being retained by the Walker Companies. However, it is highly unlikely that the Final (client-specific) Plan will exactly follow any Preliminary Plan that is approved.

Therefore the Planning Board should consider their flexibility in approving a Final Plan for a client-specific development that will likely differ from the Preliminary Plan. This discussion should center on the provisions of Code §154.056(D)(3) which states:

- (3) **The final Planned Development Plan shall conform substantially to the preliminary plan.** If desired by the

developer, it may be submitted in stages with each stage reflecting a portion of the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:

Staff notes that the term "substantially" is not further defined by Code; however its definition can be inferred by the terminology found in Code 154.056(E) regarding changes to an approved Final Plan with "major" and "minor" changes defines as follows:

Major changes

Changes which alter the concept of intent of the Planned Development including increases in the number of units per acre, change in location or amount of nonresidential land uses, more than 15% modification in proportion of housing types, significant redesign of roadways, utilities or drainage, may be approved only by submission of a new preliminary plan and supporting data, and following the "preliminary approval" steps and subsequent amendment of the final Planned Development Plan.

Minor changes

Minor changes are defined as any change not defined as a major change.

The applicant has indicated that until a specific client has entered into a contract with the Walker Companies that the particular changes to the Preliminary Plan that may be needed for the Final Plan are unknown. However, those changes may likely involve:

- Changes to the proposed lot configurations.
 - A larger or smaller lot may be needed for the specific client; i.e. a client may need 75 acres, or only 10 acres.
 - The position of the lot may need to be altered; i.e. the client may want 18 acres at the northeast corner of the tract rather than the southeast corner.
 - The number of lots may be increased or decreased; for example, if a client-specific project requires a 75 acre lot, the total number of lots may be reduced from five (5) to three (3).
 - Cap maximum square footage for 138 acre site at 2.2 million square feet.
- Changes to the proposed position of the required east-west thoroughfare.
 - The installation of the entire east-west roadway remains a point of contention for the Walker Companies, who would prefer a very long cul-de-sac design.
 - Due to client-driven changes in the proposed lot configurations, the east-west thoroughfare may need to be moved northerly or southerly, or include a curve or jog.
- Changes to the location and configuration of the storm water retention ponds.
 - Due to client-driven changes in the proposed lot configurations, the location, shape and number of the storm water retention/detention ponds may need to be

altered.

- Changes to bikeway design
 - The Tipp City Thoroughfare Plan shows a bikeway on CR 25A on this site. The Walker Companies has expressed concern about constructing said bikeway on their parcel.

Mr. Spring said in conclusion, while the proposed accelerated approval process deviates from Tipp City's traditional subdivision approval process in the name of expedience, it is also important to consider the overall purpose of planned subdivisions noted in Code §154.056(A):

The overall purpose of the Planned Development zoning provisions is to permit greater flexibility in physical development requirements, and thereby encourage more creative and imaginative development design than is possible under conventional zoning provisions. Approval of such proposals will be granted, however, only upon favorable review of submitted plans for tracts suitable in location and character for the uses and structures proposed are to be planned and developed in a unified manner. Such proposals will be further evaluated, and approved only upon determination that the public health, safety and morals will not be jeopardized by a departure from the restrictions on corresponding uses in the standard zoning district.

A strict interpretation of the Code notes that flexibility is primarily granted to the Planning Board to vary the physical development requirements (buildings, landscaping, density, setbacks, etc) of a planned subdivision rather than the actual approval process mandated by Code.

Staff also acknowledges the reality of the competitive environment of economic development locally, regionally, and nationally. It is certainly in the best economic interest of Tipp City to encourage quality economic development. Such development provides employment for local citizens, grows the tax base for the City, and can stimulate local complementary industries and subcontractors.

In order to be viable in the economic development arena, it is important for Tipp City to demonstrate a substantive competitive advantage to potential developers. It is clear that Tipp City's location provides a basis for logistics based, and other types of industrial growth. However, in order to be truly competitive, the City should also consider the statement provided Daniel Wald of the Walker Companies "The property would quickly be eliminated from consideration if a prospect was faced with a site plan approval process that was longer than 45 or 60 days, at most. In our experience, companies almost always have tight timelines for delivery of these facilities and certainty of execution is critical to them".

Mr. Spring said it is the position of staff that both the Preliminary Plan and Final Plan, with the use of a contract, theoretically meet the overall legislative and regulatory requirements of the City, while not necessarily replicating the exact design of the Preliminary Plan. In the end, a Final Plan that meets the spirit and intent of the approved Preliminary Plan (including contract) and also complies with the existing

ordinances and regulations of Tipp City can be interpreted as in keeping with the overall goals of the City.

The Planning Board should provide a clear indication (by motion) to the Walker Companies as to their support (or lack thereof) regarding the proposed Final Plan approval process.

Daniel Wald and Raymond Walker of The Walker Companies and Jeff Puthoff of Choice One Engineering were present for a presentation and questions. Mr. Wald said the company is involved in industrial real estate consulting, developers, and investors and have been in business over 20 years. There are 3 principals in the company. There are core lines of business, location consulting and acquisition/development. Some of their clients include Macy's, AutoZone, Long's Drugs, in the last year. On the industrial side, North American Pipe. A large part of the business is in large warehouse distribution. Mr. Wald showed some locations that they have completed recently. He proceeded with the concept plan for the site showing 3 curb cuts on County Road 25A, one for trucks-with a signal, and two for employees. The overall layout was 2.2 million square feet, with three larger buildings and two smaller ones. The ultimate layout would be driven by the users. The projected build-out time would be 6-8 years.

Mr. Wald continued that the property would have \$100 Million property value, 800-1,000 jobs. The city income tax and small amount of property tax would be approximately \$300,000, with \$800,000 for school taxes based on current levys. He said typically this type of employment are citizens of the local area, so no large impact on the schools. He gave some samples of competing land that is available in other communities. Mr. Wald said a key issue is that the CRA (Community Reinvestment Area) has been extended by the City. The majority of this project would be funded by the Walker Company.

The connector road which is in the City's Thoroughfare Plan, has been discussed with the City. There is also the cost of the storm water retention sites. Other requirements would be the buffer along 25A, the bikepath, and traffic signal. The time of the Planning/Zoning process is critical when a prospective user shows up. They typically have a short time frame. Mr. Wald said they were not asking for any shortcuts. The labor environment is also a concern as the Meijer site is a union facility and for many users, that may be an issue. But they would have to deal with that. It will take a collaborative effort from the developer and the City leaders.

Mr. Wald then showed some elevations of some sample buildings. He then asked the Board if they had any questions.

Mr. Springer asked if they were asking how flexible the Board could be with the time to approve a Preliminary Plan that is subject to a lot of change. Mr. Spring said that was correct but it will be industrial use, certain curb cuts on 25A, there will be adequate storm water retention, but location and lot division are the biggest variables. Mr. Springer asked staff if they would have the capacity to consider a

number of changes with engineering figures, etc. Mr. Spring said there is with complete cooperation from the Walker Company regarding our comments, their revisions to those comments. Mr. Springer said he was excited that something was being considered for this site.

Mr. Springer asked as part of the Preliminary Plan, when is a traffic study done? With the increased truck traffic, isn't this something that would need to be done? Mr. Vath said the concept that is trying to be developed is a bit outside the "box". We have never had a Planned Industrial District come in with such a concept as this. It is being proposed to enter into a contract with the Walker Company, the City, and the Planning Board that would be part of the Preliminary Plan which would next be presented to the Planning Board that would layout that there is this 138 acres with a maximum of 2.2 million square feet under roof, a potential of up to 5 lots as the shown drawing depicted. The Walker Group is looking for a flexibility in that the lots may change in configuration, may change in numbers. The location of the north/south roadway may change, may have a jog, etc. but it would comply with the Thoroughfare Plan. Many of those issues need to be addressed in the Preliminary Plan so that when they do have a client, there should be movement toward the Final Plan because this is a Planned Industrial Development. Council has to pass a resolution accepting the Preliminary Plan for that. Those guidelines would already be established. There would be a traffic study done with the 2.2 million sq. ft. under roof, up to 400 truck movements, those type of things factored in. Mr. Vath added that if there would be an industrial client in the one larger building, then the City can work with the State of Ohio and petition for 629 Roadway Funds to help offset some of the roadway construction costs due to the job creation. Our City has not gone into the business of creating our own industrial parks.

Mr. Vath said this is a little different, we have to work thru it, the process for the concept would be to have an Exhibit attached to the Preliminary Plan as part of the approval or recommendation from Planning Board and Council to lay down some of the basic premises and guidelines so that they can move forward and get their Final Plan approved basically at one meeting assuming that their design engineer has everything in place and gets all the storm water calculations and everything else done and then they could also probably, concurrently approve on the Site Plan if there is a client in place. Mr. Springer said there could also be special meetings held to help accelerate. Mr. Vath said that could be done to some extent but there are some statutory procedural issues to get thru the Planning process but if we have that agreement and if the modifications fall within the contract, it seems technically feasible that within 45-60 days, we should be able to have the Final Plat approved and a site plan. The engineering items would need to be in agreement.

Mr. Wald said it is unlikely that when they would come in with a specific user that it would be night/day difference. What was shown was pretty industry standard in terms of dimensions of the buildings. The storm water is designed for the entire build-out and the location is due to the topography of the property. Mr. Springer asked if there was anything about the land other than the slope that would hinder the engineering process. Mr. Wald said there is a lot of rock on this site as many sites are in Tipp City.

Mr. Blake asked that Council be aware of this process and that the long-term view on this property be kept in mind. Mr. Berbach said his only other concern was timeline of 45-60 days that had been mentioned. He asked Mr. Vath what was the typical timeline. Mr. Vath explained that with POI/PR (Planned Office Industrial/Planned Residential) without the contract or agreement if the Preliminary Plan is modified then it goes back to the start (Planning Board), the public hearing process and then to Council and their process. The scenario being laid out now with the contract, if it is accepted by all parties, minor modifications would allow them to go to the Final Plat right away with those minor modifications based upon the contract. At the Final Plat stage if engineering is done and the engineering review has been done by the City in a timely fashion, it would be one meeting that Planning Board has to approve the Final Plan. Then it goes to City Council. So it would be possible to meet the 45-60 day window. Mr. Walker said it appeared to them that the usual process would take 5-6 months without the pre-planning process. Mr. Vath said it would add at least 2 months. Mr. Berbach asked if the City had ever accelerated the process. Mr. Vath said he was not working for the City when Meijer Distribution came to town but for the Transfreight project, a subdivision was done at the same time as the site plan and we allowed for the construction of the building at the same time as the public improvements were being put in. He said it was a little out of the ordinary but the City does try to work with the industrial clients when they come in to expedite matters. Mr. Vath said we have not done a planned industrial development, but as Matt said there is some flexibility written into code.

Mr. McFarland said he had several comments. The first was that if we have someone that wishes to come in and spend the amount of money involved and they have a potential client, he was sure the City would not like to see the project go to another city. The proposed bikepath is not located in front of Meijer or anywhere else along that roadway so it would be a little foolish to keep that requirement. If it is established at a later date it could be bonded for installation at a later date. Mr. McFarland said the thoroughfare showed a road back half way with a cul-de-sac. He said he did not have a problem with that until the back part of the property is built out. An example of that is with Precision Strip and Donn Davis Way off of Park Avenue. He thought the project was a great idea, a good location.

Mr. Walker said the east/west road was important to their project. Theoretically there could be a building across that west end. Mr. Walker said that the Thoroughfare Plan is also a conceptual plan which can change also. If this is an industrial park, then the City would not want automobile traffic traveling through there and that would include the bike path; it is not a good idea to mix bikes and truck traffic. Mr. Springer said a key matter is a traffic study. He said if he heard that 400 trucks were moving on this site a day, he would need to take a hard look at that, including the proposed traffic signal. Mr. Wald said their expectation and the traffic study would be based on a maximum build out. He said their thoughts were for a signal at the main entrance and a turn-lane coming south on CR 25A. Mr. Vath added that the Thoroughfare Plan is a long-range plan that shows the property to the west, which is not in the City limits at this time and clear over to Peters Road. Mr. Vath said this road has been discussed numerous times with the Walker Companies in their preliminary meetings. He wanted the Board to know that it will be a

factor in the contract that is part of this project.

Mr. McFarland said there is a possibility of state grant monies for this road. Mr. Vath said that is a possibility to help offset their costs.

Mr. McFarland asked for further discussion. There was none. Mr. Blake **moved that Planning Board would be predisposed to working with the Walker Companies in a timely manner for the purpose of developing said property.** Mr. McFarland asked for a second. Mr. Springer amended the motion **to use the Preliminary Plan along with a contract with the Walker Companies, and once we have that document the Board will move forward to the Final Plan.** Mr. Spring said the Walker Companies need to know now that the Planning Board is going to be flexible in order to move the process in a timely fashion between the Preliminary Plan and the Final Plan. The Walker Company needs a motion that the Planning Board will be flexible. Mr. Springer said he could not definitely say it would be 60 days, especially if there are engineering issues that arise, then it may not happen in the 60 days. He said we can have special meetings, workshops, everything within their power but to definitely guarantee it in 60 days is near impossible. Mr. Vath said he thinks Mr. Spring was indicating a motion is needed that says the Planning Board based on the concept sketches presented the Board is comfortable with the preliminary layouts and would be willing to work on a conceptual contract at the Preliminary Plan stage that would be recommended by Planning Board and approved by City Council that sets up the terms and limits for the Final Plat's development.

Mr. Berbach seconded the motion as amended. Motion was passed 4-0. Mr. Berbach asked if there had been any other discussions regarding this development. Mr. Vath said there had not been any public hearings on the matter as of yet. He said if the Board wished to take comments from those in attendance that would be at the Board's discretion. Mr. McFarland said all the Board had done tonight was to authorize City staff to work with the Walker Companies. Mr. Springer asked when they might anticipate seeing the Preliminary Plan. Mr. Wald thought it would be two months.

Set Public Hearing:
Chapter 153: Flood
Damage Prevention
Modifications

Mr. Spring said this was the result of the National Flood Insurance Program and FEMA mandated modifications to our current flood damage prevention ordinances. They essentially wrote the ordinance.

Mr. McFarland **moved to set the public hearing for modifications to Chapter 153 of the Tipp City Code of Ordinances for September 9, 2008.** Mr. Springer seconded the motion. Motion passed 4-0.

Bruns Industrial Park,
Tipp-Cowlesville Rd &
Berry-Logan Drive, Pt
IL 2781, I-1 zoning-
Pre-App Sketch & Set
Public Hearing
Public Hearing,
Rosewood Creek,

Mr. McFarland said a letter from the applicant had been received to continue the review on the Bruns Industrial Park. Mr. McFarland **moved to continue the tabling of this issue.** Mr. Springer seconded the motion. Motion passed 4-0.

Mr. Spring said the applicant is asking for a recommendation for approval of Phase 3 of the Rosewood Creek Planned Residential

Final Plan, Phase 3, 23
lots, ± 8.5370 acres

Subdivision. Phase 3 is consistent with the Preliminary Plan that was recommended to City Council on July 8, 2008 and approved on July 21, 2008. The lots in Phase 3 are located on Daylily Way and Greenmantle Drive. The 23 building lots are all garden style lots and consists of 7.1173 acres plus 1.4197 acres of right-of-way. The setbacks and minimum livable gross floor area, and maximum height were given in the staff report. The easements include a front lot line subject to a 10' utility and drainage easement with side lot lines having a 5' utility and drainage easement unless otherwise noted.

Mr. Spring continued that Code §155.117 requires the posting of surety for all public improvements within Phase 3. This amount will be in addition to any outstanding surety currently posted for Phase 1, 2A, and/or 2B. Staff notes all minimum zoning requirements have been satisfied. The developer has submitted the required Final Plat checklist, Subdivider's Agreement, and construction estimates (\$406,550) approved by the City Engineer.

Staff recommended approval of the Final Plan with the following conditions:

1. The developer submits to the City of Tipp City, all required fees (\$13,683.00) prior to introduction of the Final Plat to City Council.
2. The required surety (\$ 447,205.00) is posted with the City, prior to the introduction of the Ordinance approving this plat.

Mr. Blake **moved to open the public hearing for Rosewood Creek, Phase 3, Final Plan.** Mr. McFarland seconded the motion. Motion passed 4-0. Mr. Springer asked if this phase is what was presented on the Preliminary Plan approved in July. Mr. Spring said it was exactly as it was shown on the revised Preliminary Plan. Mr. McFarland stated there were some comments from citizens that had been received by staff. He asked if there were any citizens present that wished to speak before the Board. Mr. McFarland asked to have Mr. Bruns sworn in so that he could make comments. Mr. Vath swore Mr. Bruns in.

There were no comments from any citizens in the audience. Mr. Vath said Mr. Bruns had filed his Construction Agreement, executed the Electrical Extension agreement, and spoke to staff regarding the surety. The City engineer has reviewed and accepted the engineer's estimates. The storm sewer is tied into the existing storm sewer system.

Mr. McFarland said there were a few pages of comments from citizens concerned with construction and ongoing maintenance of the Rosewood Creek infrastructure. Mr. McFarland said he didn't know what was going on as this was the first he had seen this. He asked if anyone had addressed those concerns with Mr. Bruns. Mr. Bruns said the problem was a storm that was over the levels of a 10-year storm. The Flood Plain is set up for a 100-year storm and it worked perfectly. He said they found some issues that they are addressing, some culverts, some emergency waterways that were not put in correctly by builders but everything is done by design plan. Mr. McFarland said he did not know what the problem was and that was his reason for asking. Mr. Bruns said everything was being addressed and corrected.

Mr. Springer said it appears those issues are not pertinent to

Phase 3, if there was an implementation problem in the first phases those can be corrected. Mr. Bruns said the plans are available to the builders/homeowners to correct the situation on the emergency waterways. The rest of the development is operating per the plan. The issues of the water coming from the south was the result of a flood that came quickly, corn stalks plugged catch basins. Mr. Springer asked if there were any changes needed in the Construction Agreement. Mr. Vath said there are none, the overall storm water plan that was submitted with some needed modifications for Phase 3 was accepted. He added that when there is more than a 10-year storm, there is surge-charging in the streets and that is a normal design parameter. If you put in a pipe to handle a 100-year storm it would be massive and cost-prohibitive.

There was no further discussion. Mr. McFarland **moved to close the public hearing**. Mr. Berbach seconded the motion. Motion passed 4-0.

Mr. McFarland **moved to approve the Rosewood Creek Final Plan, Phase 3, 23 lots, \pm 8.5370 acres, per the following conditions, 1) the developer submits to the City of Tipp City, all required fees (\$13,683.00) prior to introduction of the Final Plat to City Council, 2) the required surety (\$447,205.00) is posted with the City, prior to the introduction of the Ordinance approving this plat, and 3) any modifications to this Plan must be approved by Planning Board prior to their construction**. Mr. Blake seconded the motion. Motion was approved 4-0.

Old Business

Miscellaneous

City Council Reports:
July 21, 2008- Mr.
Blake
August 4, 2008-Mr.
Berbach

There was no Old Business to discuss.

Mr. Blake was unable to attend the meeting. A report will be made next month.

Mr. Berbach attended the meeting and there were 2 items of interest to the Planning Board. The sign code was revised to meet certain Supreme Court decisions. The final plat was accepted for the Northgate Commerce Center. Mr. Vath added that those items were the second time that Council had considered the matters, due to a publication problem with the local newspaper. This is to make sure the legislation was passed and notifications were made per code.

Board member
comments

Mr. McFarland thanked City staff for the diligent preparations for tonight's workshop and the meeting. He also mentioned the memo received regarding the Thompson subdivision on Kerr Road decision. The Board members received copies in their packets.

Adjournment

There being no further business for discussion, Mr. McFarland **moved that the meeting be adjourned**. Mr. Blake seconded the motion. Chairman McFarland declared the meeting adjourned at 9:10 pm.

Michael McFarland, Planning Board Chairman

Attest: _____
Marilyn Fennell, Board Secretary